

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lutz Rosenpflanze, et al. Art Unit: 2176  
Serial No.: 10/607,102 Examiner: Nathan Hillery  
Filed: June 25, 2003 Conf. No.: 3609  
Title: MANAGING DIFFERENT REPRESENTATIONS OF INFORMATION

**Mail Stop Appeal Brief - Patents**

Commissioner for Patents  
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REPLY BRIEF TO EXAMINER'S ANSWER

Applicant files this Reply Brief in response to the Examiner's Answer dated March 21, 2008.

**Rejections under 35 U.S.C. § 112, Second Paragraph**

The Examiner's Answer contends that there is no support for the claimed limitation "identifying a correspondence between the first representation and the second representation using a set of data processing activities performed in accordance with a first set of machine-readable instructions." Specifically, the Examiner's Answer contends that page 9, lines 3-5 of the specification does not disclose "using a set of data processing activities performed in accordance with a first set of machine-readable instructions." In response, the Applicant respectfully directs the Board's attention to another portion of the specification cited by the Applicant in its principal brief. Specifically, page 11, lines 16-19 states that the "system can insert instructions for representing the *correspondence* between customization settings. For example, the system can insert information that identifies specific *Java calls* for transforming objects represented in accordance with a source system's customization settings into objects represented in accordance with a target system's customization settings." (*Emphasis added*). The Appellant respectfully submits that Java calls are data processing activities that, as disclosed in the quoted language, identify a correspondence between the customization settings of a first representation (source system) and a second

representation (target system). These data processing activities are further disclosed in flow chart form in Figures 7 and 9 of the application.

For at least the same reason, the Appellant respectfully submits that the specification enables “identifying and representing a correspondence between the first representation and the second representation using a set of data processing activities performed in accordance with a set of machine-readable instructions.” The Appellant respectfully submits that by disclosing that Java calls, a programming language well known in the art, can be used for transforming objects from one representation to another, thereby establishing a correspondence between them, the specification enables identifying and representing a correspondence between the first representation and the second representation using a set of data processing activities performed in accordance with a set of machine-readable instructions. The Appellant respectfully submits that its disclosure enables one of skill in the art to arrive at the claimed subject matter without undue experimentation. Neither the Final Office Action, nor the Examiner’s Answer, contends that undue experimentation would be required.

The Examiner’s Answer maintains the rejection of the claims under 35 U.S.C. § 112, ¶ 2, as being indefinite. Specifically, the Examiner’s Answer contends that it is unclear as to what a set of data processing activities is. A claim is indefinite only if it is insolubly ambiguous. *Young v. Lumenis* (Fed. Cir. Slip Op. 06-1455). That is, the claim is incapable of any reasonable interpretation. The Applicant respectfully submits that the ordinary and customary meaning of “data processing activities” is not only known to those of skill in the art of data processing, but also to those in virtually any other technical field that utilizes processor-based computations. Moreover, as pointed out in the Appellant’s principal brief, the specification discloses several examples of data processing activities in connection with the presently claimed subject matter. For example, page 11, lines 16-19 discloses instructions for representing the correspondence between customization settings, such as information that identifies specific Java calls for transforming objects represented in accordance with a source system’s customization settings into objects represented in accordance with a target system’s customization settings. Additionally, as alluded to above, some of the data processing activities of the application are disclosed in flow chart form in Figures 7 and 9. The Appellant

respectfully submits that the rejection of the claims under 35 U.S.C. § 112, ¶ 2 as being indefinite is in error, and respectfully requests the reversal of the rejection.

**Rejections under 35 U.S.C. § 102**

As the Appellant points out on page 19 of its principal brief, claim 1 recites that information describing different representations of the *same data variable information* in the *same first data structure* in different data processing systems is received and the correspondence between them mapped. The Examiner's Answer argues on page 7 that the XML file in Granade et al. is equivalent to the same first data structure, and the WML, HDML, and HTML file formats in the mobile device are equivalent to the claimed second data structure. However, claim 1 does not recite a second data structure; it recites only a "first data structure" and "the same first data structure." If the XML file of Granade is the first data structure, then the WML, HDML, or HTML files of the mobile device cannot be the same first data structure. It is for at least this reason that neither the Final Office Action nor the Examiner's Answer establish a *prima facie* case of anticipation, and the Appellant respectfully requests the reversal of the rejection of the claim 1 and the claims dependent thereon.

The Examiner's Answer at page 20 attempts to explain its contention that there is a second claimed data structure in claim 1. All of its contentions can be quickly disposed of.

First, the Examiner's Answer argues that "there is no use of 'said' to designate that the same data structure is being used." Claim 1 refers to "a first data structure" and "the first data structure." The MPEP states that either the term "said" or the term "the" provides a proper reference to an antecedent term.<sup>1</sup>

Second, the Examiner's Answer states that that Appellant's interpretation is very confusing and counterintuitive. Specifically, the Examiner's Answer states that it is not understood how the same data structure can be resident in two different systems simultaneously. The Appellant respectfully submits that there is simply nothing confusing about this, and the claimed subject matter would readily be understood by one of skill in the art. The Appellant further offers, by way of example only, that both a first

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<sup>1</sup> MPEP § 706.03(d), ¶ 7.34.05, p. 700-74; *See also* MPEP § 2173.05(e).

system and a second system can include the same data structure that can include, for example, a person's name, address and age.<sup>2</sup>

Third, the Examiner's Answer contends that two different representations of data constitute different data structures. The Appellant respectfully disagrees. Referring again to the data structure example that consists of a person's name, address, and age, the fact that one record in a file using the data structure may record the age in years, while another record in the file may record the age in months, does not change the data structure. That is, the data structure still relates to a person's name, address, and age.

The Examiner's Answer further contends that the specification supports the Examiner's construction of a data structure, and cites page 3, lines 10-12 and page 4, lines 24-27. The Appellant respectfully disagrees. The first cited portion states that the "data structure can also be changed to a second data structure associated with the second system." Being that as it may, it does not mean that a first data structure cannot exist on both a first system and a second system. The second portion states that "a single map of two data structures can be joined with any number of maps of customization settings." This clearly falls short of requiring that every embodiment requires two data structures, particularly when the claims clearly recite otherwise. As to the contention in the Examiner's Answer that there is no support in the specification for the Appellant's interpretation, the Appellant directs the attention of the Board to page 2, lines 19-27 wherein it is disclosed that a change in data from a first representation to a second representation occurs separately from any change to the data structure.

Claim 15 recites a computer program product that is configured to receive a data variable in a data structure, the data variable having a first representation in a first system, and to receive a second representation of the data variable information in a second system. Claim 15 then goes on to recite that the first representation is changed to the second representation separately from any change to *the* data structure. That is, only a single data structure is recited in claim 15, and as pointed out above in connection with claim 1, an XML file in a server and a WML, HDML, or HTML file in a mobile device cannot represent a single data structure as recited in claim 15. The Appellant respectfully

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<sup>2</sup> The Appellant further respectfully submits that while the same data structure is used, the data within each occurrence of the same data structure on the two systems may be different, such as representing a person's age in years or months. It is to this difference that one aspect of the claimed invention is directed.

APPELLANT'S REPLY BRIEF UNDER 37 C.F.R. § 41.41

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submits that the Patent Office has failed to establish a *prima facie* case of anticipation for claim 15, and the Appellant respectfully requests the reversal of the rejection of claim 15 and the claims dependent thereon.

Conclusion

The pending claims subject to this Reply are believed patentable. Appellant respectfully submits the claims are in condition for allowance and requests the Board issue an order to withdraw the rejections of claims 1-29.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 21 day of May, 2008.

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